

Judge Robert S. Lasnik

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA, )  
Plaintiff, ) NO. C05-0102RSL  
v. ) CONSENT JUDGMENT FOR  
2003 HONDA CIVIC, VIN ) FORFEITURE OF \$8,500.00 IN LIEU  
1HGEM22193L802370, ) OF DEFENDANT VEHICLE  
Defendant. )

COMES NOW the United States of America, by and through John McKay, United States Attorney for the Western District of Washington, and Peter O. Mueller, Assistant United States Attorney for said District, and Claimant Kim Emily Olexson, by her counsel John R. Crowley and enter into this Consent Judgment for Forfeiture upon the terms and conditions set forth below.

Plaintiff, United States of America, filed its Complaint for Forfeiture in rem against the defendant 2003 Honda Civic, VIN, 1HGEM22193L802370 and its Equipment, Tools, and Accessories, (the defendant vehicle) on January 19, 2005. In its Complaint, the United States alleged that the defendant vehicle was used to facilitate the importation, bringing in, and concealing of an article, that is, marijuana, which was attempted to be introduced into

1 the United States contrary to law and is therefore subject to forfeiture to the United States  
 2 pursuant to 19 U.S.C. §1595(a). The Complaint also alleged that the defendant vehicle was  
 3 used to transport, conceal, and possess contraband, and to facilitate the transportation,  
 4 concealment, receipt, possession, purchase, sale, exchange or giving away of contraband,  
 5 that is, marijuana, in violation of 49 U.S.C. § 80302(b) and was therefore subject to  
 6 forfeiture to the United States pursuant to 49 U.S.C. § 80303 and that the defendant vehicle  
 7 was used to transport and to facilitate the transportation, sale, receipt, possession and  
 8 concealment of a controlled substance, that is, marijuana, in violation of 21 U.S.C. §§  
 9 841(a)(1), 952 and 960 and was therefore subject to forfeiture pursuant to 21 U.S.C. §§  
 10 881(a)(4) and 965.

11 On or about January 24, 2005 copies of the Complaint for Forfeiture in rem, Notice  
 12 of Complaint, and Warrant of Arrest for the defendant vehicle, were served on potential  
 13 claimant Kim Emily Olexson, the registered owner and title holder of the defendant vehicle  
 14 through her counsel, John R. Crowley.

15 On or about June 7, 2005 Claimant Kim Emily Olexson, through counsel, filed a  
 16 claim of ownership in the defendant vehicle. The United States does not contest the  
 17 timeliness of Olexson's claim. On or about June 7, 2005, Claimant Kim Emily Olexson filed  
 18 an answer to the Complaint.

19 Notice of the forfeiture action as alleged in the Complaint and of the arrest of the  
 20 defendant vehicle was published in The Daily Journal of Commerce on February 9, 16, and  
 21 23, 2005, in order to give all persons, including any unknown claimants, the opportunity to  
 22 appear and be heard. All interested persons were advised to file their claims pursuant to  
 23 Supplemental Rule C(6) of the Federal Rules of Civil Procedure with the Clerk of the Court  
 24 within thirty (30) days after the date of the publication and to serve their Answers to the  
 25 Complaint within twenty (20) days after the filing of a claim.

26 More than thirty (30) days have elapsed since all possible claimants were served with  
 27 the Complaint and related documents. In addition, more than thirty (30) days have elapsed  
 28 since the last date notice of this action was published. Neither a claim to the defendant

1 vehicle, nor an answer to the Complaint have been filed by any person or entity, within the  
2 time period allowed by Supplemental Rule C(6), except for claimant Kim Emily Olexson.

3 Claimant Kim Emily Olexson hereby agrees to pay the United States the total sum of  
4 \$8,500.00, United States Dollars, in the form of a cashier's check in the amount of  
5 US\$8,500.00 made payable to the United States Bureau of Customs and Border Protection.

6 The cashier's check shall be delivered to Assistant United States Attorney Peter O.  
7 Mueller at the United States Attorney's Office, 700 Stewart Street, Suite 5220, Seattle,  
8 Washington 98101, no later than June 30, 2005.

9 Claimant Kim Emily Olexson hereby further agrees to fully and finally release and  
10 forever discharge the United States and its agencies, agents, employees and officers, the  
11 Bureau of Customs and Border Protection, the Bureau of Immigration and Customs  
12 Enforcement, and their officers and employees, and any other enforcement agents or officers  
13 involved in the investigation relating to this case, from any and all claims, liens, demands,  
14 obligations, actions, causes of actions, indemnifications, damages, liabilities, losses, costs  
15 and expenses, of any nature whatsoever, known or unknown, past, present or future, that Kim  
16 Emily Olexson, her heirs, successors, or assigns may have had, now have, or may hereafter  
17 have, arising out the search, seizure, handling, and disposition of the defendant vehicle by  
18 officers and agents of the Bureau of Customs and Border Protection and Bureau of  
19 Immigration and Customs Enforcement on or about September 13, 2004, the related  
20 investigation leading to and following such actions, and the subsequent forfeiture  
21 proceedings, including any claims for interest and attorney's fees.

22 The United States agrees that, following entry of this consent judgment, it will instruct  
23 the United States Bureau of Customs and Border Protection to release the defendant vehicle  
24 to Kim Emily Olexson, upon receipt of said cashier's check as specified above.

25 It is expressly acknowledged by the parties that the US\$8,500.00 to be paid by  
26 Claimant Kim Emily Olexson is to be forfeited to the United States in lieu of any forfeiture  
27 of the defendant vehicle and includes accumulated storage charges. In the event that the said  
28 US\$8,500.00 is not timely paid to and received by the United States on or before June 30,

1    2005, then the Court may enter, without the necessity of further proceedings or adjudication  
 2    of any issue of fact or law, a Judgment condemning and forfeiting the defendant vehicle to  
 3    the United States.

4                 The United States and Kim Emily Olexson now stipulate and agree to the entry of this  
 5    Consent Judgment for Forfeiture without further adjudication of any issue of fact or law.  
 6    This Consent Judgment for Forfeiture fully and finally resolves all issues in this action.  
 7    Accordingly, IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

8                 1. This Court has jurisdiction of this matter and over the property and the parties  
 9    pursuant to 28 U.S.C. §§ 1345, 1355, 1356 , 19 U.S.C. §1595a, 49 U.S.C. §80303 and 21  
 10 U.S.C. §§ 881(a)(4) and venue pursuant to 28 U.S.C. §§ 1335 and 1339.

11                 2. By June 30, 2005, Claimant Kim Emily Olexson shall pay the United States in the  
 12 manner specified above, the total sum of US\$8,500.00, which payment is condemned and  
 13 forfeited to the United States to be disposed of in accordance with law, including  
 14 reimbursement to the Bureau of Customs and Border Protection for its costs incurred in  
 15 storing the defendant vehicle.

16                 3. The defendant vehicle, One (1) 2003 Honda Civic, VIN, 1HGEM22193L802370,  
 17 its Tools, Accessories and Equipment, shall be released to Claimant Kim Emily Olexson by  
 18 the Bureau of Customs and Border Protection, upon receipt of said US\$8,500.00, in the  
 19 manner specified above.

20                 4. In the event that Claimant Kim Emily Olexson should fail to pay the said  
 21 US\$8,500.00 within the time, and in the manner, specified above, then, upon request of the  
 22 United States, the Court shall enter a Judgment condemning and forfeiting the defendant  
 23 vehicle to the United States, without the necessity of further proceedings of any kind.

24                 5. Except as provided in paragraph 2 above with respect to storage costs incurred by  
 25 the United States, each party is to bear its own costs and attorney's fees.

26                 6. This Consent Judgment represents a full settlement and satisfaction of all claims  
 27 to the defendant vehicle and of any causes of action arising out of the search and seizure of  
 28 the defendant vehicle. The parties shall execute such further documents, to the extent

necessary, to implement the terms of this Consent Judgment.

7. The Clerk of the Court is directed to mail a copy of this Consent Judgment for Forfeiture to each party of record and to send three additional, certified copies to the United States Attorney's Office, Seattle, Washington.

DATED this 1st day of July, 2005.

Mrs Casnik

Robert S. Lasnik  
United States District Judge

**CONSENT JUDGMENT FOR FORFEITURE OF  
\$8,500 IN LIEU OF DEFENDANT VEHICLE -5  
(C05-0102RSL)**

UNITED STATES ATTORNEY  
700 STEWART STREET, SUITE 5220  
SEATTLE, WASHINGTON 98101-1271  
(206) 553-7970

1 CONSENT

2 We submit this Consent Judgment for Forfeiture to the Court for signature, having  
3 agreed to its terms and consented to the entry of this Consent Judgment in full satisfaction  
4 of this case and further, we waive any right of appeal.  
5

6

7 JOHN McKAY  
8 United States Attorney

9

10 Dated 6/30/05

11 s/Peter O. Mueller  
12 PETER O. MUELLER  
13 Assistant United States Attorney

14 Dated 6/30/05

15 s/John R. Crowley  
16 JOHN R. CROWLEY  
17 Attorney for Claimant